

**United States District Court
Southern District of Ohio
Western Division**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:01-cv-541

vs.

Beckwith, J.
Black, M.J.

BUFORD HOUCK, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

On July 30, 2004, Plaintiff filed a motion for partial summary judgment pursuant to Fed. R. Civ. P. 56. (*See* Doc. 62). Under S.D.Ohio Civ. R. 7.2(a)(2), an opposition memorandum “shall be served and filed within twenty-one (21) days from the date of service set forth in the certificate of service attached to the Motion.” No opposition memorandum has yet been filed in this case, even though more than twenty-one days have passed since the service date referenced in the motion.

Defendants, therefore, are **ORDERED TO SHOW CAUSE**, in writing and within **FIFTEEN DAYS** of the filing date of this Order, why Plaintiff’s motion for partial summary judgment should not be granted for the reasons stated in Plaintiff’s motion. *See Guarino v. Brookfield Township Trustees*, 980 F.2d 399, 404-05 (6th Cir. 1992) (holding that a district court properly relies upon the facts provided by a moving party when a motion for summary judgment goes unopposed). Defendants’ failure to respond

satisfactorily to this Order may also result in a dismissal of this action for failure to prosecute. *See also Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962) (districts courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution); *Walker v. Dallman*, No. 92-3817, 1993 WL 57381 (6th Cir. Mar. 4, 1993) (same).

SO ORDERED.

DATE: September 1, 2004

s/ Timothy S. Black
Timothy S. Black
United States Magistrate Judge